

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

ENGIE POWER & GAS LLC.,

Plaintiff,

Case No.:

-against-

Jury Trial: () Yes (X) No

FHTDD, L.P.,

Defendant.

Plaintiff Engie Power & Gas LLC., by and through its undersigned counsel, as its Complaint for declaratory and other relief against defendant FHTDD, L.P., respectfully alleges as follows:

NATURE OF THE ACTION

1. In this action, Engie Power & Gas LLC. seeks to recover monies due and owing for goods and services provided to defendant.
2. Plaintiff, Engie Power & Gas LLC. is a energy services company that services commercial properties.
3. On or before August 18, 2017, Engie Power & Gas LLC. entered into a contract with FHTDD, L.P. to provide energy services to defendant at their various properties.
4. On or after August 18, 2017, plaintiff Engie Power & Gas LLC. began providing energy services to defendants' properties.
5. Thereafter, bills/invoices were sent to defendant soon after the energy services were provided. However, defendant has failed and refused to submit payment.

6. Defendant has breached its contract dated August 18, 2017 for failure to remit payment for energy services provided by the plaintiff.

7. Defendant owes the plaintiff \$369,504.21 for goods sold and delivered by the plaintiff to the defendant.

THE PARTIES

8. Plaintiff, Engie Power & Gas LLC., is a New York domestic corporation duly organized and existing under the laws of the State of New York with its principal office located at 920 Railroad Avenue, Woodmere, New York 11598 and is engaged in the business of providing energy services.

9. Upon information and belief, defendant FHTDD, L.P. is a domestic corporation duly organized and existing under the laws of the State of New Jersey with its principal place of business at 515/555 Mount Prospect Avenue, Newark, New Jersey 07104.

JURISDICTION AND VENUE

10. The Court has subject matter jurisdiction under 28 U.S.C. 1332, Federal Courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000.00. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

11. This action is properly brought in this Court pursuant to 28 U.S.C. 1391 in that plaintiff's corporate office is located within this Court's jurisdiction.

THE AMOUNT IN CONTROVERSY

12. Defendant owes plaintiff the sum of \$369,504.21, with interest and court costs for failure to pay for goods sold and delivered.

PRAYER FOR RELIEF

13. That by reason of the foregoing, plaintiff respectfully requests this Court to enter a judgment against the defendant in the sum of \$369,504.21 for goods sold and delivered together with interest from February 18, 2021 as well as court costs of this action.

CERTIFICATION

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Dated: October 14, 2022
Woodmere, New York



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